

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLTER KEFFER,

Defendant.

8:17CR336

ORDER

This matter is before the Court on defendant Colter Keffer's ("Keffer") pro se Emergency Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) and for Appointment of Counsel (Filing No. 197). Section 3582(c)(1)(A)(i) authorizes Keffer to move the Court to "reduce [his] term of imprisonment" for "extraordinary and compelling reasons" thirty days after the warden of the facility where he is incarcerated receives a request to file such a motion on his behalf. Having reviewed Keffer's motion, the Court finds Keffer has potentially raised a colorable claim under § 3582(c)(1)(A)(i). The Court further finds that appointing counsel to represent Keffer will help the Court determine whether Keffer is entitled to a sentence reduction. Therefore,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Keffer for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that Keffer's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.

4. The U.S. Probation and Pretrial Services Office is directed to investigate Keffer's compassionate-release request and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Keffer's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Keffer's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Keffer's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 13th day of April 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge